

Remarks

In the claims, claims 6, 10 and 16, were objected to because of informalities. Applicant has amended claim 6 to address the objection to the term "a connection end inside the housing." Applicant has cancelled claims 10 and 16, along with claims 3, 5, 8, 11, 14, 16, 19, 21, 23-28.

The Examiner has rejected claims 1, 3, 4, 6, 8-11, 12, 14, 15, 17, 19-23 and 25-28 under 35 U.S.C. 103(a) as being unpatentable over Graubner (US 2,823,300) in view of Zadro (US 2004/0047052). First, neither of the references cited anticipate the claimed invention. Graubner, as the Examiner recognized, fails to disclose translucent suction cups. Zadro fails to disclose any of the claimed invention except for the suction cup.

First, it is well settled that in order to rely on a reference under 35 U.S.C. 103, it must be an analogous prior art. *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992) ("In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned."). What is considered "analogous" is illustrated by several cases in MPEP 2101.04(a). Applicant respectfully submits that the discussed case which is most analogous to the present situation is the aforementioned *In re Oetiker* in which the Applicant claimed an improvement in a hose clamp which differed from the prior art in the presence of a preassembly "hook" which maintained the preassembly condition of the clamp and disengaged automatically when the clamp was tightened. The Board relied upon a reference which disclosed a hook and eye fastener for use in garments, reasoning that all hooking problems are analogous. The court held the reference was not within the

field of applicant's endeavor, and was not reasonably pertinent to the particular problem with which the inventor was concerned because it had not been shown that a person of ordinary skill, seeking to solve a problem of fastening a hose clamp, would reasonably be expected or motivated to look to fasteners for garments.

Applicant respectfully submits that the situation in the present case is nearly identical. Here, the present invention as claimed is directed to a light source with easily changeable diffusers. The problem faced by the inventor is that, in this type of application, the diffuser can be easily attached near the radiation source to diffuse the radiation. Zadro on the other hand discloses a dual magnification mirror system mounted in a frame that is constructed to permit interchangeability of the mirrors while allowing the mirrors to be adjustable. The suction cups in Zadro have nothing to do with diffusing radiation from a radiation source. Further, the suction cups in Zadro are meant to attach the bracket 12 to a flat surface so the mirrors are interchangeable, not the bracket 12.

As such, while the present invention as claimed and Zadro both include suction cups, there is no reason to believe that the two are in analogous arts. Similar to the way that all arts which contain "hooks" are not analogous as evidenced by the holding in *In re Oetiker*, applicant respectfully submits that not all arts which employ suction cups are analogous. In the present case, the structure and function of the invention claimed in the present application are completely different than the structure and function of the invention disclosed in Zadro. As such, Applicant respectfully submits that Zadro is not analogous prior art to the present invention.

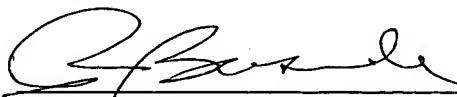
Further, there is no suggestion to combine the two very different references. Any combination to combine these references is due to impermissible hindsight by the Examiner especially because there is no suggestion in either reference that Zadro be used in conjunction with a radiation source. Any such suggestion to combine these references could just have easily resulted in a dual side flashlight mounted in a frame

that permits the orientation of the flashlight to be changed within a bracket attached by suction cups to a mirror.

While Applicant does not believe the submitted claims are obvious in light of Graubner and Zadro, Applicant has further amended his claims to further distinguish over the Graubner reference. While the Graubner reference discloses a diffusion element 20, it does not disclose a diffusion element that is attached only to the exterior face of the medium or lens of the light source nor does it disclose a light diffusion device having a diffusion element that is removably attached from the portion of the device that is attached to the light source.

Graubner discloses a single piece diffusion element 20 that can be removably attached to a flashlight only by positioning the diffusion element 20 adjacent the periphery of the lens ring 18 between the lens ring and the lens 17 (Col. 2, lines 5-19). The user is forced to manipulate the diffusion element in between components of the flashlight. In contrast, as amended, Applicant's invention simplifies assembly by disclosing attaching the diffusion element 34 solely to the medium or lens 22. This eases attachment to the flashlight. Further, Graubner only discloses a single piece diffusion element 20 that must be removed in its entirety from the flashlight to change the diffusion characteristics. In contrast, Applicant's invention discloses a multipart light diffusing device having a suction cup portion that attaches to the medium or lens and a second diffusion element that can be removed from the suction cup and changed while the suction cup remains attached to the medium or lens. Accordingly, based on the distinct and novel features, Applicant respectfully requests allowance of the claims as amended.

Respectfully submitted,



Richard J. Basile, Registration No. 40,501
Attorney for Applicant
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155